

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION AT MEMPHIS

FACTORY MUTUAL INSURANCE)	
COMPANY, as subrogee of Agilent)	
Technologies, Inc.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:25-cv-02424-TLP-tmp
)	
XPEDIENT MANAGEMENT GROUP, LLC)	JURY TRIAL DEMANDED
and ST. PAUL FIRE AND MARINE)	
INSURANCE COMPANY,)	
)	
Defendants.)	
)	

MOTION FOR LEAVE TO AMEND COMPLAINT

Plaintiff, Factory Mutual Insurance Company (hereinafter, “FMIC” or “Plaintiff”), as subrogee of Agilent Technologies, Inc., by and through undersigned counsel and pursuant to Rule 15 of the Federal Rules of Civil Procedure, hereby moves this Court to either allow FMIC to amend its Complaint as a matter of right or grant FMIC leave to amend its complaint against Defendants Xpedient Management Group, LLC and St. Paul Fire and Marine Insurance Company.

In support of its Motion, the Plaintiff relies upon its Supporting Memorandum of Law filed contemporaneously herewith and its First Amended Complaint attached hereto as **Exhibit 1**. As further contained in the Certificate of Consultation below, Defendant, St. Paul Fire and Marine Insurance Company opposes this Motion, while Xpedient Management Group, LLC does not oppose this Motion. To the extent the First Amended Complaint is permitted, Xpedient’s motion to dismiss (Doc. #17) shall constitute Xpedient’s response to the First Amended Complaint and

Xpedient is not required to file a responsive pleading until such time as their motion to dismiss (Doc. #17) is ruled upon.

CERTIFICATE OF CONSULTATION

Pursuant to LR 7.2(a)(1)(B), on June 23, 2025, undersigned counsel conferred by email and telephone with counsel for Defendant, Xpedient Management Group, LLC, William P. Thomas about the relief requested in this motion. Xpedient Management Group **does not oppose** and is in agreement with the relief requested in this motion. On June 23, 2025, undersigned counsel conferred by email with counsel for Defendant St. Paul Fire and Marine Insurance Company, Michael J. Petherick, about the relief requested in this motion. St. Paul Fire and Marine Insurance Company **opposes** Plaintiff's Motion to Amend.

by: /s/ Brenden T. Holbrook
Brenden T. Holbrook TN Bar No. 39485

Respectfully submitted,

/s/ Brenden T. Holbrook
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*Attorneys for Plaintiff Factory Mutual
Insurance Company, as subrogee of Agilent
Technologies, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2025, I electronically filed Plaintiff's *Motion for Leave to Amend Complaint* with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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